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REMARKS

Claims 1-40 are pending. Claims 1, 22, 24, 25, 34, 35, and 38 are independent claims. Claims 1-7, 10, 12, 14-20, 22-27, 29, 31-35, and 38 stand rejected. Claims 8, 9, 11, 13, 21, 28, 30, 36, 37, 39, and 40 stand objected to as being dependent from a rejected based claim but would be allowable if rewritten in independent form to include all of the limitations of the base and any intervening claims. The applicant respectfully requests reconsideration in view of the following remarks.

SECTION 102 REJECTIONS

Claims 1, 2, 5-7, 12, 14-20, 25-27, and 31-33 stand rejected under 35 U.S.C. Section 102(e) as being anticipated by U.S. Patent No. 6,453,426 to Gamache et al. ("Gamache"). The applicant respectfully traverses the rejection because Gamache does not disclose or suggest the applicant's virtual server. The applicant has amended the rejected claims to more clearly describe a virtual server.

Claim 1 now recites that "each virtual server ha[s] as exclusive resources . . . one or more file systems, wherein an exclusive resource of a virtual server can be seen by the virtual server and not by another virtual server." As can be seen, the one or more file systems that are exclusive resources of a virtual server can be seen by the virtual server and not by another virtual server. The applicant respectfully submits that Gamache does not disclose or suggest a virtual server that has such exclusive resources. The Examiner contends that Gamache's group discloses the applicant's virtual server. The applicant must respectfully disagree. First, Gamache does not disclose or suggest that the resources of its groups include one or more file systems, which is required to disclose or suggest the applicant's virtual system. Gamache states that a group is "a collection of resources (e.g., cluster application resources, names and addresses)." Gamache, at col. 5, lines 62-66. However, there is no mention that the resources include one or more file systems. Moreover, even assuming *arguendo* that Gamache's resources include one or more file systems, Gamache still does not disclose or suggest the applicant's virtual server. Gamache, in regards to the issue of resource ownership, states only that: "A group can be 'owned' by only one node at a time, and the individual resources within a group are

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present on the node which currently owns the group. As a result, at any given instant, different resources within a same group cannot be owned by different nodes across the cluster." Gamache, at col. 9, lines 18-27. Notably, Gamache describes a node as a physical computing device. *See id.*, at col. 4, lines 7-11. Hence, although the statement at issue describes ownership, it does so only with respect to which and how a node, i.e., a physical computing device, owns resources. There is no description of which and how a group, which the Examiner contends is a virtual server, owns resources. Accordingly, such a statement does not disclose or suggest the applicant's virtual server, which exclusively owns one or more file systems. For at least the above reasons, claim 1 and claims 2, 5-7, 12, and 14-21, which depend from claim 1, are in condition for allowance.

Claim 25 recites a limitation similar to the one discussed above in regards to claim 1 and the foregoing arguments made with respect to claim 1 apply with equal force to claim 25. For at least this reason, claim 25 and claims 26, 27, and 31-33, which depend from claim 25 are in condition for allowance.

Claims 22, 23, and 35 stand rejected under 35 U.S.C. Section 102(e) as being anticipated by U.S. Patent No. 6,732,186 to Herbert ("Herbert"). The applicant respectfully traverses the rejection because Herbert does not disclose or suggest the applicant's virtual server. The applicant has amended the rejected claims to more clearly describe a virtual server.

Claim 22 now recites "a node configured with a virtual server . . . , the virtual server having as exclusive resources one or more file systems, wherein an exclusive resource of a virtual server can be seen by the virtual server and not by another virtual server." As can be seen, the one or more file systems that are exclusive resources of a virtual server can be seen by the virtual server and not by another virtual server. The applicant respectfully submits that Herbert does not disclose or suggest a virtual server having such exclusive resources. Herbert, at lines 13-27 of column 13, discloses that multiple Web servers with unique virtual IP addresses may be hosted on a single physical computer. The Examiner contends that such a Web server discloses the applicant's virtual server. The applicant must respectfully disagree. As discussed above, the applicant's virtual server has as resources one or more files systems. Moreover, the

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file systems are exclusive resources of the virtual server and, as such, cannot be seen by another virtual server. Herbert does not contemplate having file systems as resources for virtual servers. Nor does Herbert contemplate the exclusivity of resources. Accordingly, Herbert does not disclose or suggest the applicant's virtual server. For at least the above reasons, claim 22 and claim 23, which depend from claim 22, are in condition for allowance.

Claim 35 recites a limitation similar to the one discussed above in regards to claim 22 and the foregoing arguments made with respect to claim 22 apply with equal force to claim 35. For at least this reason, claim 35 and claims 36-37 are in condition for allowance.

SECTION 103 REJECTIONS

Claim 4 stands rejected under Section 103(a) as being unpatentable over Gamache as applied to claim 1. Claim 4 depends from claim 1 and, as such, incorporates the virtual server recited in claim 1. For reasons discussed above, the applicant respectfully submits that Gamache does not disclose or suggest the virtual server recited in claim 1. Thus, Gamache does not render claim 4 obvious. For at least this reason, claim 4 is in condition or allowance.

Claims 3, 10, and 29 stand rejected under Section 103(a) as being unpatentable over Gamache as applied to claims 1 and 25, further in view of Herbert. Claims 3 and 10 depend from claim 1 and, as such, incorporates the virtual server recited in claim 1. For reasons discussed above, the applicant respectfully submits that neither Gamache nor Herbert discloses the virtual server of claim 1. Thus, Gamache and Herbert do not render claims 3 and 10 obvious. For at least this reason, claims 3 and 10 are in condition or allowance. Claim 29 depends from claim 25 and, as such, incorporates the virtual server recited in claim 25. For reasons discussed above, the applicant respectfully submits that neither Gamache nor Herbert discloses the virtual server of claim 25. Thus, Gamache and Herbert do not render claim 29 obvious. For at least this reason, claim 29 is in condition or allowance.

Claim 24 and 34 stand rejected under Section 103(a) as being unpatentable over Herbert in view of Gamache. Claim 24 recites "a virtual server having as exclusive resources . . . one or more file systems, wherein an exclusive resource of the virtual server can be seen by the virtual server and not by another virtual server." Claim 34 recites "a virtual server that includes as

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exclusive resources one or more file systems, wherein an exclusive resource of a virtual server can be seen by the virtual server and not by another virtual server." For reasons discussed above, neither Gamache nor Herbert discloses the virtual servers of claims 24 and 34. For at least this reason, claims 24 and 34 are in condition for allowance.

Claim 38 stands rejected under Section 103(a) as being unpatentable over Gamache in view of Herbert. Claim 38 recites that "each virtual server having as exclusive resources . . . one or more file systems, . . . , wherein an exclusive resource of a virtual server can be seen by the virtual server and not by another virtual server." For reasons discussed above, neither Gamache nor Herbert discloses such a virtual server. For at least this reason, claim 38 is in condition for allowance.

The applicant respectfully requests that all pending claims be allowed. Please apply the \$110 one-month extension fee, as well as any other charges or credits to deposit account 06-1050.

Respectfully submitted,

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